

1 **RESOLUTION NO.**

2 **WHEREAS**, City Code Chapter 25-12 (Technical Codes) allows some
3 spiked fence styles that can pose significant risk of harm to humans and
4 animals, and can even cause loss of life; and

5 **WHEREAS**, in 1992, recognizing the risk posed by barbed wire
6 fencing, the City Council adopted City Code Section 9-4-41 to restrict the
7 use of barbed wire fence; and

8 **WHEREAS**, existing City Code provisions, such as Section 25-2-899
9 (E)(2) that requires fencing to isolate a hazard for swimming pools, do not
10 consider the potential dangers of the fence itself; and

11 **WHEREAS**, the primary concerns for certain types of spiked fencing
12 are entrapment and impalement of children who by nature are climbers,
13 workers performing roof and gutter maintenance, and pets or wildlife that
14 jump over fences; and

15 **WHEREAS**, neighborhood councils across the United States have
16 recognized the dangers and cost of spiked pickets, spiked bars, and other spiked
17 decorative elements that protrude above the top horizontal bar of a fence; and

18 **WHEREAS**, flat top fence styles are available to purchase at equivalent
19 cost to spiked fences and present a safer design that can preserve the safety of
20 people, pets, and wildlife; and

21 **WHEREAS**, on June 23, 2021, after extensive collaboration with City staff, the
22 Building and Fire Board of Appeals passed a resolution recommending that
23 Council adopt amendments to the City's Technical Codes that allow for this safer
24 fencing alternative; **NOW, THEREFORE,**

25 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

26 The City Council initiates amendments to the City’s Technical Codes to
27 address dangerous fence design including spiked pickets, spiked bars and other
28 spiked decorative elements that protrude above the top horizontal bar of a fence.

29 During the code amendment process, the City Manager and stakeholders
30 should explore and consider the following changes:

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- Requiring flat top styles on new fences of all lengths.
 - Applying flat top fence requirements to all existing fences of six feet
32 tall or lower and new fences.
 - Applying flat top fence requirements to substantial fence repairs or
33 remodeling of 50% or more of an existing fence.
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37 **ADOPTED:** _____, 2021 **ATTEST:** _____

38 Jannette S. Goodall
39 City Clerk
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